

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Bienvenido I. Lugo Marchant  
Plaintiff

Civil Action No. 05 11317 NMG

v.

Peter N. Tsickritzis, Kevin M. Kingston,  
United Liquors Limited et al.  
Defendants

**PLAINTIFF'S DECLARATION**

The Plaintiff ("Mr. Lugo", "BL") hereby respectfully submits this **Plaintiff's Declaration** to supplement his claim. There are myriads of genuine reasons of material fact requiring trial by jury and the Defendants are not entitled to summary judgement. Very respectfully, the Plaintiff demands **TRIAL BY JURY**.

I, Bienvenido I. Lugo Marchant, on oath, declare and state as follows:

1. I am the Plaintiff on this action and worked for United Liquors Limited ("ULL") from 1999 to early 2003 as a driver's helper and upon obtaining a commercial driving license ("CDL") was put as the last when asking for work behind new workers. That shortly after beginning 2003, I was demoted, to a warehouse position where I worked as a driver and warehouse worker earning much less than before for asking Kevin Kingston ("KK") and Peter Tsickritzis ("PT") for an apology/explanation on their comments and denying a well deserved promotion.
2. On the Wascar Williams's ("WW") claim, I was there and have personal knowledge of the comments PT made to me of not being a regular employee for "having a lawsuit against the company". PT berated WW and allowed others to relate ethnicity with work assignment, then, angrily asked WW to hand him the job application and to leave.
3. On the Dexter Cooper's ("DC") claim, I worked next to him and remember William Nagle ("WM") asking me to "take him with you when leaving for Bible classes". DC was interested in obtaining a CDL but it was denied to him as well as to a number of other non-white workers and Haitians workers.

4. PT behaves in an uncivilized manner all the times I state so for his liking, and confessed me facing legal action for assaulting a co-worker. His subordinates also spoke about former workers, their issues, and bad work reference in new jobs.
5. Although ULL encouraged workers advising their supervisors of hazardous conditions, the worker was seen as a troublemaker. On a certain night, the Braintree Fire Dep't intervened in the warehouse as a non-certified worker used OSHA equipment activating the alarms. DC was asked to perform cleaning in an area with chemicals that caused him discomfort. A local newspaper commented on numerous fines to ULL for their issues.
6. That I refused to operate a forklift with propane tank for not being trained/licensed by OSHA, and that prevented accidents at work. That I operated a small jack pallet, to my best knowledge, requiring no OSHA training.
7. That I was paid less than stipulated and was denied overtime benefits for demanding respect.
8. That ULL considers minimal accidents, as cause célèbre for denying BL a promotion while sparing a white driver who destroyed a brand new truck on a lower bridge.
9. That the EEOC defines disability as that stuttering or work related accident (for which I was denied medical advice and coverage) qualifies BL as a disabled person.
10. I faxed letters to James Tye ("JT") Vice-President, and spoke with Gary Keimach ("GK") about PT with no result. That DC admitted to me having received from JT, among other high ranks officers of ULL, beers and liquors as a reward for sharing with them documents I authored.
11. To the best of my knowledge JT, GK and others belong to the United Group ("UG"), the policy maker, as the very owner of ULL stated in a corporate document. That on the occasion of offering another new shift, Ms. Mansfield ("KMa") was referred to as the Human Resources VP and was regarded as part of the UG on her business card.

12. That I have taken the lead in calling and writing to **Jackson Lewis** with the hope of narrowing issues. Local 7.1 (A)(2) Certification.
13. The citations BL mentions shall be respected as they refer to the **Honorable US Supreme Court** and **US Circuits**, and shall not be labeled as “ramblings”.
14. That the Local 653 Teamster assisted me and I have not seen any letter saying otherwise. The pays stubs have a comment on “Udu 653” referring to automatically paying the union dues.
15. That ULL still owes BL documents he authored, and commented to another employer about BL’s legal actions to terminate him from that work.

**WHEREFORE**, the Plaintiff respectfully prays this **Honorable US Court** accepts this **Plaintiff’s Declaration**. The Plaintiff demands, very respectfully, **TRIAL BY JURY**.

Signed under the pains and penalties of perjury on things that I saw, of personal knowledge, and collected by others.

Very respectfully submitted,

Bienvenido I. Hugo-Marchant  
*Pro se, in forma pauperis*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2007, this document was served upon the Defendant’s counsel, **JACKSON LEWIS**, by first class mail, postage paid.